



HOLIDAYS & LEAVE

This fact sheet provides an overview of holiday and leave rules for unrepresented classified employees.

Do employees get paid for holidays?

Legal holidays are identified in RCW 1.16.050 and WAC 357-31-005. All qualifying employees get paid for legal holidays and one personal holiday.

When a holiday falls on an employee's scheduled work day how many hours are employees compensated for?

Full-time general government employees receive holiday pay for the number of hours they are scheduled to work that day. Part-time general government employees receive the number of paid hours on a holiday on a pro rata basis.

Full-time higher education employees receive 8 hours of regular holiday pay per holiday. For part-time higher education employees, the number of paid hours is based on their percentage of a full-time equivalent (FTE).

What happens if a holiday falls on an employee's scheduled day off?

When a holiday falls on an employee's scheduled day off, the employer must provide that employee an alternate day in lieu of the holiday in accordance with WAC 357-31-030.

How is an employee's holiday determined when his/her shift begins on one calendar day and ends on the next?

When an employee's shift begins on one calendar day and ends on the next the 24 hour period during which the holiday occurs must be determined by the employer to start either at the start of the shift that begins on the holiday, or at the start of the shift that precedes the holiday.

Within what timeframe must the personal holiday be taken?

The personal holiday must be used within the calendar year. If before the end of the calendar year the employee requests the use of his/her personal holiday in accordance with the employer's leave procedures and the employer denies the request, the employee is entitled to carry over the personal holiday to the next calendar year.

Must an employer have a policy for requesting and approving leave?

Each employer must develop a leave policy which specifies the procedure for requesting and approving all leave, as provided in the civil service rules.

This document is a summary to help employees and employers understand the changes resulting from the new civil service rules. For more specific information, please see the full text of the new rules. A full copy of the adopted rules, additional guidance, and the latest information about Civil Service Reform activities can be found at <http://hr.dop.wa.gov/hrreform>.

How will an unauthorized absence be treated?	Unauthorized absence must be treated as unauthorized leave without pay and may be grounds for separation under the provisions of WAC 357-46-210 or discipline under chapter 357-40 WAC.
What happens to accrued leave when an employee changes employers?	When an employee changes state employers without a break in service, the unused sick and vacation leave credits transfer with the employee to the new employer.
How much sick leave does an employee earn each month?	Full-time employees earn 8 hours of sick leave per month. Part-time employees earn sick leave on a pro rata basis.
When can an employee use accrued sick leave?	<p>Sick leave can be used for:</p> <ul style="list-style-type: none"> ▪ Illness, disability, or injury that has incapacitated the employee from performing required duties. ▪ Exposure of the employee to a contagious disease when the employee's presence at work would jeopardize the health of others. ▪ Care of a minor/dependent child with a health condition requiring treatment or supervision. ▪ Care of a spouse, parent, parent-in-law, or grandparent of the employee who has a serious or emergency health condition. ▪ Family care emergencies. ▪ Personal health care appointments. ▪ Family members' health care appointments when the presence of the employee is required, if arranged in advance with the employer. ▪ When an employee is required to be absent from work to care for members of the employee's household or relatives of the employee/employee's spouse (e.g. spouse, child, grandchild, grandparent or parent) who experience an illness or injury. <p>The employer may require medical verification or certification of the reason for sick leave use in accordance with the employer's leave policy.</p>
When a former employee is re-employed, is sick leave restored?	If a former employee is re-employed within 5 years of their separation their sick leave credits will be restored.
Do employees accrue sick leave and vacation leave if they have taken leave without pay during the month?	<p>Full-time general government employees who are in pay status for less than 80 non-overtime hours in a month do not earn a monthly accrual of sick leave or vacation leave.</p> <p>Full-time and part-time higher education employees who have more than 10 working days of leave without pay in a month do not earn a monthly accrual of sick leave or vacation leave.</p>

At what rate do employees accrue vacation leave?	<p>Full-time employees accrue vacation leave at the following rates:</p> <ul style="list-style-type: none"> ▪ 1st year of continuous state employment - 8.0 hours per month; ▪ 2nd year of continuous state employment - 8 hours, 40 minutes per month ▪ 3rd and 4th third and fourth years of continuous state employment - 9 hours, 20 minutes per month ▪ 5th, 6th, and 7th years of total state employment - 10 hours per month ▪ 8th, 9th, and 10th years of total state employment - 10 hours, 40 minutes per month ▪ 11th year of total state employment - 11 hours, 20 minutes per month ▪ 12th year of total state employment- 12 hours per month ▪ 13th year of total state employment - 12 hours, 40 minutes per month ▪ 14th year of total state employment - 13 hours, 20 minutes per month ▪ 15th year of total state employment - 14 hours per month ▪ 16th and succeeding years of total state employment - 14 hours, 40 minutes per month. <p>Part-time employees accrue on a pro rata basis.</p>
When can an employee start to use their vacation leave?	<p>An employee (part-time or full-time) must complete 6 months of continuous state employment before he or she can use vacation leave.</p>
What is the maximum number of hours of vacation leave that an employee can accumulate?	<p>Vacation leave may be accumulated to a maximum of thirty (30) working days (240 hours). There are two ways in which the 30 day maximum can be exceeded – by a statement of necessity or by accruing above 30 days between anniversary dates. In this case, any leave in excess of 240 hours not used by the anniversary date is lost.</p>
Can an employee cash out his/her vacation leave?	<p>When an employee who has completed 6 continuous months of employment separates from service by reason of resignation with adequate notice, layoff, trial service reversion, separation, dismissal, retirement, or death, the employee is entitled to a lump sum payment of unused vacation leave.</p>
Are employees entitled to paid bereavement leave?	<p>If an employee's family member or household member dies, the employee is entitled to 3 days of paid bereavement leave. An employee may request less than 3 days of paid bereavement leave.</p>
What types of leave may an employee use when absent or late to work because of inclement weather?	<p>The employer's leave policy governs the order in which accrued leave and compensatory time may be used. The employer's policy must allow the use of accrued vacation leave, accrued sick leave up to a maximum of 3 days in any calendar year, and the use of leave without pay in lieu of paid leave at the request of the employee.</p>

What happens to employees when a work site becomes inoperable?

When the agency head or institution president determines that public safety, health, or property is jeopardized due to emergency conditions, operations may be suspended for the entire agency, higher education institution, related board, or any portion of the organization.

During suspended operations, employees are allowed to use personal holiday, vacation leave, compensatory time, or leave without pay. The employers suspended operations procedure may allow employees to be released without a loss in pay or a reasonable opportunity to make up time lost. The period of suspended operations must not exceed fifteen (15) calendar days without director approval.

If an employee is required to report for jury duty, must the employee be granted a leave of absence with pay?

The employer must grant a leave of absence with pay when an employee is required to report for jury duty service. Employers may require documentation or verification of jury service.

If an employee has received a subpoena, must the employee be granted a leave of absence with pay?

The employer **must** grant a leave of absence with pay for the employee to respond to a subpoena when:

- The employee has been subpoenaed on the employer's behalf; or
- The subpoena is for a legal proceeding which is unrelated to the personal or financial matters of the employee.

Must an employer grant leave with pay for other reasons such as to take a state examination?

Leave with pay **must** be granted to an employee:

- To allow an employee to receive assessment from the employee assistance program; or
- When an employee is scheduled to take an examination or participate in an interview for a position with a state employer during scheduled work hours (limitations listed in WAC 357-31-325).

An employer **may** grant leave with pay for an employee to perform civil duties including but not limited to fire fighting, search and rescue efforts or donating blood.

For what reasons may an employer authorize leave without pay?

Leave without pay may be allowed for any of the reasons listed in WAC 357-31-330 in accordance with the employer's leave policy.

Must employees who have been ordered to active duty or active training duty be granted paid military leave?	<p>Employees must be granted military leave with pay not to exceed fifteen (15) working days during each year, beginning October 1st and ending the following September 30th.</p> <p>Military leave with pay is in addition to any vacation and sick leave to which an employee is entitled and does not reduce benefits, performance ratings, privileges, or pay.</p> <p>During paid military leave, the employee must receive the normal base salary.</p> <p>Employees required to appear during working hours for a physical examination to determine physical fitness for military service must receive full pay for the time required to complete the examination.</p>
In addition to paid military leave, must an employee be granted a military leave of absence without pay?	<p>Employees must be granted a military leave of absence without pay for service in the uniformed services of the United States or the state, and are entitled to reinstatement as provided in chapter 73.16 RCW.</p>
For what reason may an employee receive shared leave?	<p>An employee may be eligible to receive shared leave if the agency head or higher education institution president determines the employee:</p> <ul style="list-style-type: none"> ▪ Suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or ▪ The employee has been called to service in the uniformed services.
How much shared leave may an employee receive?	<p>The employer determines the amount of leave, if any, which an employee may receive under these rules. However, an employee must not receive more than 261 days of shared leave and a nonpermanent employee may not use shared leave beyond the expected end date of the appointment.</p>
May employees donate leave to employees in other agencies, institutions of higher education, or related higher education boards?	<p>Leave donated under the civil service rules and shared leave statutes may be transferred from employees of one employer to an employee of the same employer or, with the approval of the heads of both employers, to an employee of another state employer.</p>
What rate of pay is the employee receiving shared leave paid?	<p>The receiving employee is paid his/her regular rate of pay. Therefore, the value of 1 hour of shared leave may cover more or less than 1 hour of the recipient's salary.</p>
What types of leave can an employee donate?	<p>An employee may donate vacation leave, sick leave, or all or part of a personal holiday to another employee for purposes of the state leave sharing program under the conditions listed in WAC 357-31-425.</p>

Must employees use their own leave before using shared leave?	<p>Employees who qualify for shared leave under WAC 357-31-390(1)(a) must first use all compensatory time, personal holiday, sick leave, and vacation leave that they have accrued before using shared leave.</p> <p>Employees who qualify under WAC 357-31-390(1)(b) must use all of their accrued vacation leave and paid military leave allowed under RCW 38.40.060 before using shared leave.</p>
For what purposes must parental leave be granted?	<p>Employers must grant parental leave to employees for purposes of:</p> <ul style="list-style-type: none"> ▪ The birth and care of a newborn child of the employee; or ▪ Placement of a child with the employee for adoption or foster care. <p>Parental leave must be taken during the first year following the child's birth or placement of the child with the employee for adoption or foster care.</p>
Who qualifies for parental leave?	Only permanent employees or employees who have worked for the state for 12 months and for at least 1250 hours qualify for parental leave.
How long can an employee request to be off work for parental leave?	Employees are entitled to request 6 months of parental leave for the purposes specified WAC 357-31-460. Employers may only deny requests for that portion of the parental leave that exceeds the provisions of WAC 357-31-525. The only basis for denial is operational necessity. Employers may approve requests for more than 6 months of parental leave.
Is parental leave in addition to any leave for sickness or temporary disability because of pregnancy and/or childbirth?	Under RCW 49.78.005, the family leave required by U.S.C. 29.2612(a)(1)(A) and (B) of the federal family and medical leave act of 1993 must be in addition to any leave for sickness or temporary disability because of pregnancy or childbirth as provided in WAC 357-31-500.
Will time off for parental leave be paid or unpaid?	<p>Parental leave may be a combination of vacation leave, personal holiday, compensatory time, and leave of absence without pay. Sick leave may be used if the criteria in WAC 357-31-130 are met. The combination and use of paid and unpaid leave during a parental leave is at the employee's choice.</p> <p>If necessary while on approved parental leave, the employee must be allowed to use 8 hours per month of the accrued paid leave during a parental leave of absence without pay to provide for continuation of benefits as provided by the public employees' benefits board. The employer designates when during the month paid leave will be interspersed to maintain benefits.</p>
When must disability leave due to pregnancy and/or childbirth be granted?	Leave of absence must be granted for the period of time that a permanent employee is sick or temporarily disabled because of pregnancy and/or childbirth.

Will time off during the period of disability leave due to pregnancy and/or childbirth be paid?	Disability leave due to pregnancy and/or childbirth may be a combination of sick leave, vacation leave, personal holiday, compensatory time, and leave without pay. The combination and use of paid and unpaid leave is the employee's choice.
What is an employee entitled to under the Family and Medical Leave Act of 1993?	<p>An eligible employee must be granted, during a twelve-month period, a total of 12 work weeks of absence:</p> <ul style="list-style-type: none"> ▪ As a result of the employee's serious health condition; ▪ To care for an employee's parent, spouse, or minor/dependent child who has a serious health condition; and/or ▪ To provide care to an employee's newborn, adopted or foster child as provided in WAC 357-31-460.
Under the Family and Medical Leave Act of 1993, how is an eligible employee defined?	An eligible employee is an employee who has worked for the state for at least 12 months and for at least 1,250 hours during the previous twelve-month period.
Who chooses if an employee will use paid leave or leave without pay for absences granted under the Family and Medical Leave Act?	The employee may choose to use appropriate accrued paid leave or leave without pay for absence granted in accordance with the Family and Medical Leave Act. Use of accrued paid leave and leave without pay must be in accordance with the civil service rules.
Under the Family and Medical Leave Act, can an employee request an intermittent or reduced schedule?	Employee absence granted for the purpose of WAC 357-31-525(1)(a) and (b) must be granted on an intermittent or reduced schedule at the employee's request when medically necessary.
When an employee returns from an absence designated as FMLA, what position will the employee return to?	Following absence designated as FMLA the employee must be returned to the same or equivalent position held prior to the absence.
May employers grant paid leave for purposes of recognition?	Employers who have received performance management confirmation may grant employees up to 5 days of paid leave within a twelve-month period to recognize outstanding accomplishments or the achievement of pre-defined work goals by individual employees or units.